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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,743	07/10/2003	Barry White	0331	2752
26868	7590	02/24/2005	EXAMINER	
HASSE GUTTAG & NESBITT LLC 7550 CENTRAL PARK BLVD. MASON, OH 45040			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/616,743

**Applicant(s)**

WHITE ET AL.

**Examiner**

Ismael Negron

**Art Unit**

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Title*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Luminaire Having Symmetrically Opposed Asymmetrical Reflectors.**

### *Abstract*

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the

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abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because it refers to purported merits of the claimed invention. Correction is required. See MPEP § 608.01(b).

The Examiner suggests deleting the last sentence of the abstract.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "19a" has been used to designate both "edge" (page 5,

line 12) and “*outer edge*” (page 5, line 23). In addition, note reference character “**19b**”, used to designate “*edge*” (page 5, line 12) and “*outer edge*” (page 5, line 23).

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g).

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

6. Claim 1 is objected to because of the following informalities: line 6 should read “*lamp sockets disposed within the reflector areas, and being sized to receive the base of said*”. Appropriate correction is required.

7. Claim 1 objected to because of the following informalities: it recites the limitation "*the base of said lamps*" in line in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since the Examiner considered the claimed base an inherent element of the previously recited lamps. However, appropriate correction is required to place the claims in proper form for allowance.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the reflector areas" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-16 are rejected for their dependency on rejected Claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over PRESTON et al. (U.S. Pat. 5,921,666).

PRESTON et al. discloses a luminaire having:

- **a housing (as recited in Claim 1), Figure 4, reference number 65;**
- **a plurality of reflectors (as recited in Claim 1), Figure 4, reference numbers 52, 53 and 54;**
- **the reflectors being disposed within the housing (as recited in Claim 1), as seen in Figure 4;**
- **at least two of the reflectors being asymmetrical (as recited in Claim 1), Figure 4, reference numbers 52 and 54;**
- **the symmetrical reflectors being symmetrically opposed from each other (as recited in Claim 1), as seen in Figure 4;**
- **lamps (as recited in Claim 1), Figure 4, reference numbers 55, 56 and 57;**
- **the lamps being disposed below each of the reflectors (as recited in Claim 1), as seen in Figure 4;**

- **at least one symmetrical reflector (as recited in Claim 2), Figure 4, reference number 53;**
- **the symmetrical reflector being located centrally between the asymmetrical reflectors (as recited in Claim 2), as seen in Figure 4;**
- **the at least two asymmetrical reflectors being at least two pairs of asymmetrical reflectors (as recited in claims 3 and 5), reflectors 52 and 54, each formed by two asymmetrical reflector halves;**
- **the at least one symmetrical reflector including at least two symmetrical reflectors (as recited in claims 4 and 5), reflector 53, formed by two symmetrical halves;**
- **the lamps being fluorescent tubes (as recited in Claim 6), column 3, line 67;**
- **the portion of each of said reflectors located centrally above each lamp having a peak shape (as recited in Claim 7), as seen in Figure 4; and**
- **the peak shape portion having an exterior angle of not less than 110° (as recited in Claim 8), as evidence by Figure 8.**

PRESTON et al. discloses all the limitations of the claims, except:

- lamp sockets (as recited in Claim 1);



- the sockets being disposed within the reflector areas (as recited in Claim 1);
- the sockets being sized to receive the base of the lamps (as recited in Claim 1);
- the lamp sockets being electrically connected to a power source (as recited in Claim 1);
- the sockets having an electrical contact (as recited in Claim 1);
- the sockets being electrically connectable to the bases of the lamps (as recited in Claim 1); and
- the length of the reflectors being substantially longer than their width (as recited in Claim 6).

One of ordinary skill in the art would have recognized the claimed sockets (as recited in Claim 1) as being inherently included in the patented luminaire of PRESTON et al.. However, even if such socket was considered as not included in the patented luminaire, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to fit the reflectors of PRESTON et al. with lamp sockets for receiving the lamp bases (as recited in Claim 1) , to be able to easily install and/or replace the lamp tubes as needed. In addition, the Examiner takes Official Notice that the use of such sockets is not only old and well known in the art, but a standard practice.

Regarding the length of the reflectors being substantially longer than their width (as recited in Claim 6), one of ordinary skill in the art would have recognized that

fluorescent lamp tube reflectors are substantially grater in length than in width, as admitted by the applicant (see page 1, lines 16 and 17).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over PRESTON et al. (U.S. Pat. 5,921,666).

PRESTON et al. discloses, or suggests, all the limitations of the claims as detailed in Section 9 above, except the reflectors being joined together with a brace behind such reflectors.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to form the reflector of PRESTON et al. in separate sections held together by braces, since it has been held by the courts that the mere fact that a given structure is integral does not preclude its consisting of various elements, and that constructing a formerly integral structure in various portions involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 178. It appears that the claimed invention would perform equally well with the patented reflector of PRESTON et al. .

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over PRESTON et al. (U.S. Pat. 5,921,666).

PRESTON et al. discloses, or suggests, all the limitations of the claims as detailed in Section 9 above, except a louvers being attached beneath the reflectors and lamps.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to positioned a plurality of louvers below the reflectors and lamps or PRESTON et al., since the Examiners takes Official Notice that the use of such louvers is old and well known in the illumination art. One would have been motivated to use such louvers to prevent scattering of the light emitted by the luminaire, for focusing such light towards an illumination target, and for preventing glare. In addition, applicant's statement regarding the old and well known in the art status of louvers in combination with fluorescent lamps, is noted (see page 1, lines 14-16).

***Relevant Prior Art***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Florence** (U.S. Pat. 3,591,798), **Plewman** (U.S. Pat. 4,866,584) and **Felland** (U.S. Pat. 5,570,947) disclose luminaries having a housing containing a plurality of reflectors, such plurality including at least two asymmetrical reflectors symmetrically positioned to one another, and a centrally located symmetrical reflector. A plurality of fluorescent lamp tubes is located inside the housing, supported below the reflectors by lamp tube sockets.

**Netting** (U.S. Pat. 2,323,073), **Wolff** (U.S. Pat. 4,287,554), **Guritz et al.** (U.S. Pat. 4,342,072), **Wisniewski** (U.S. Pat. 4,536,830), **Simpson** (U.S. Pat. 5,371,661), **Coldren** (U.S. Pat. 5,615,943) and **Wordin** (U.S. Pat. 6,170,962) disclose luminaries

having a housing containing a plurality of reflectors, such plurality including at least two asymmetrical reflectors symmetrically positioned to one another, and a plurality of fluorescent lamp tubes are located inside the housing, supported below the reflectors by lamp tube sockets.

***Allowable Subject Matter***

13. Claims 9-12, 15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches luminaries including a plurality of lamp located below at least two asymmetrical reflectors symmetrically positioned to one another, and a centrally located symmetrical reflector. Both the symmetrical and asymmetrical reflectors feature a generally parabolic shape. The asymmetrical reflectors a peak-shape portion at the top, with the inner side of such portion having a narrower parabolic shape than the outer. In addition, the lamps associated with the symmetrical reflectors being located equidistant among the width of such reflector, with the lamps associated with the asymmetrical reflectors being closer to the inner side of such reflectors.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the reflectors having a generally parabolic shape, with a peak-shaped top portion of the asymmetrical reflectors having and inner side with a narrower parabolic shape than the outer side of such portion, or the lamps being located equidistant among the width of the symmetrical reflector or closer to the inner side of the asymmetrical reflectors.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

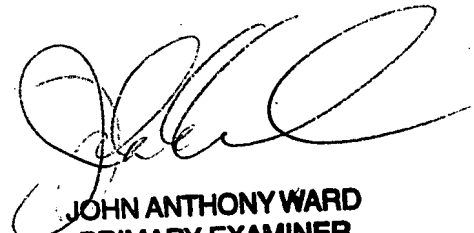
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you

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have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**

  
Inr

February 19, 2005